

TITLE 33.—NAVIGATION AND NAVIGABLE WATERS

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Chapter 1.—NAVIGABLE WATERS GENERALLY

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Sec.	
59j.	Delaware River, Philadelphia County, Pennsylvania; permanent structures [New].

WATERS DECLARED NONNAVIGABLE; CHANGE OF NAME

§ 59j Delaware River, Philadelphia County, Pennsylvania; permanent structures.

The portion of the Delaware River in Philadelphia County, Commonwealth of Pennsylvania, lying between all that certain lot or piece of ground situate in the second and fifth wards of the city of Philadelphia described as follows:

Beginning at a point on the easterly side of Delaware Avenue (variable width) said side being the bulkhead line of the Delaware River (approved by the Secretary of War on September 10, 1940), at the distance of 1,833.652 feet from an angle point on the easterly side of said Delaware Avenue south of Washington Avenue;

thence extending along the easterly side of said Delaware Avenue the following courses and distances, (1) north 0 degree 45 minutes 33.2 seconds west 2,524.698 feet to a point; (2) north 9 degrees 36 minutes 25 seconds east, 2,168.160 feet to a point; (3) north 13 degrees 26 minutes 45.8 seconds east, 2,039.270 feet to a point; (4) north 20 degrees 12 minutes 52.4 seconds east, 35.180 feet to an angle point in Delaware Avenue; thence continuing north 20 degrees 12 minutes 52.4 seconds east along the said bulkhead line, the distance of 574.970 feet to a point on the south house line of Callowhill Street produced;

thence extending along the south house line of Callowhill Street produced south 80 degrees 47 minutes 30.6 seconds east, the distance of 523.908 feet to a point on the pierhead line of the Delaware River (approved by the Secretary of War on September 10, 1940);

thence extending along the said pierhead line the following courses and distances, (1) south 17 degrees 52 minutes 48.5 seconds west, 605.262 feet to a point; (2) south 14 degrees 14 minutes 14.7 seconds west, 1,372.530 feet to a point; (3) south 10 degrees 37 minutes 35.3 seconds west, 1,252.160 feet to a point; (4) south 8 degrees 23 minutes 50.4

seconds west, 1,450.250 feet to a point; (5) south 2 degrees 22 minutes 45.9 seconds west, 1,221.670 feet to a point; (6) south 1 degree 4 minutes 36 seconds east, 1,468.775 feet to a point on the north house line of Catherine Street extended, thence extending north 76 degrees 56 minutes 29.2 seconds west, the distance of 555.911 feet to the first mentioned point and place of beginning is hereby declared not to be a navigable water of the United States within the meaning of the Constitution and laws of the United States, and the Consent of Congress is hereby given, for the filling or erection of permanent structures in all or any part of the described area.

(Pub. L. 92-605, § 1, Oct. 31, 1972, 86 Stat. 1493.)

PERMANENT STRUCTURES IN ABOVE-DESCRIBED AREA; APPROVAL OF PLANS

Section 2 of Pub. L. 92-605 provided that: "This declaration [this section] shall apply only to portions of the above-described area which are filled or occupied by permanent structures. No such filling or erection of structures in the above-described area shall be commenced until the plans therefor have been approved by the Secretary of the Army who shall, prior to granting such approval, give consideration to all factors affecting the general public interest and the impact of the proposed work on the environment."

Chapter 3.—NAVIGATION RULES FOR HARBORS, RIVERS, AND INLAND WATERS GENERALLY

PRELIMINARY

§ 151. Demarcation of high seas lines.

CROSS REFERENCES

Vessel bridge-to-bridge radiotelephone requirement and capability for vessels on navigable waters of United States inside lines established under this section, see section 1203 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1203 of this title.

Chapter 5.—NAVIGATION RULES FOR RED RIVER OF THE NORTH AND RIVERS EMPTYING INTO GULF OF MEXICO AND TRIBUTARIES

§ 356. Exemption of Navy and Coast Guard vessels from compliance with International Rules of the Road.

Where any Navy or Coast Guard vessel of special construction, as certified to by the Secretary of the Navy, or the Secretary of Transportation in the case of Coast Guard vessels operating under the Department of Transportation, or such official or officials as either may designate, is now or may hereafter by virtue of statute, convention, or treaty, be exempt from compliance with any requirements of the International Rules of the Road, such type of vessel shall similarly be exempt from compliance with any corresponding requirement under the rules specified in this Act. (May 21, 1948, ch. 328, § 5, 62 Stat. 257.)

TRANSFER OF FUNCTIONS

References to the Secretary of the Treasury and Treasury Department are changed to Secretary of Transportation and Department of Transportation, respectively, pursuant to Pub. L. 89-670, Oct. 15, 1966, 80 Stat. 931, which created the Department of Transportation. Under such provisions, the Coast Guard was transferred to the Department of Transportation and all functions, powers and duties, relating to the Coast Guard, of the Secretary of the Treasury and of other offices and officers of the Department of the Treasury were transferred to the Secretary of Transportation. See section 1655(b) of Title 49, Transportation.

Chapter 9.—PROTECTION OF NAVIGABLE WATERS AND OF HARBOR AND RIVER IMPROVEMENTS GENERALLY

DAM INSPECTION PROGRAM [NEW]

Sec.

467. Definition.

467a. Inspection of dams; exceptions.

467b. Investigation reports to Governors; remedial measures.

467c. Determination of danger to human life and property.

467d. Report to Congress.

467e. Existing liabilities and obligations unaffected.

IN GENERAL

§ 403. Obstruction of navigable waters generally; wharves; piers, etc.; excavations and filling in.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1371 of this title.

§ 407. Deposit of refuse in navigable waters generally.

TERMINATION OF DISCHARGE PERMIT PROGRAM

No permits for discharges into navigable waters to be issued under this section after Oct. 18, 1972, and the discharge permit program to be carried out instead under section 1342 of this title, with applications under this section pending on Oct. 18, 1972, to be deemed applications for permits under section 1342, see section 1342 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1342, 1402 of this title.

§ 413. Duty of United States attorneys and other Federal officers in enforcement of provisions; arrest of offenders.

The Department of Justice shall conduct the legal proceedings necessary to enforce the provisions of sections 401, 403, 404, 406, 407, 408, 409, 411, 549, 686, and 687 of this title; and it shall be the duty of United States attorneys to vigorously prosecute all offenders against the same whenever requested to do so by the Secretary of the Army or by any of the officials hereinafter designated, and it shall furthermore be the duty of said United States attorneys to report to the Attorney General of the United States the action taken by him against offenders so reported, and a transcript of such reports shall be transmitted to the Secretary of the Army by the Attorney General; and for the better enforcement of the said provisions and to facilitate the detection and bringing to punishment of such offenders, the officers and agents of the United States in charge of river and harbor improvements, and the assistant engineers and inspectors employed under them by authority of the Secretary of the Army, and the United States collectors of customs and other revenue officers shall have power and au-

thority to swear out process, and to arrest and take into custody, with or without process, any person or persons who may commit any of the acts or offenses prohibited by the said sections, or who may violate any of the provisions of the same: *Provided*, That no person shall be arrested without process for any offense not committed in the presence of some one of the aforesaid officials: *And provided further*, That whenever any arrest is made under such sections, the person so arrested shall be brought forthwith before a commissioner, judge, or court of the United States for examination of the offenses alleged against him; and such commissioner, judge, or court shall proceed in respect thereto as authorized by law in case of crimes against the United States. (Mar. 3, 1899, ch. 425, § 17, 30 Stat. 1153; June 25, 1948, ch. 646, § 1, 62 Stat. 909, eff. Sept. 1, 1948.)

§ 421. Deposit of refuse, etc., in Lake Michigan near Chicago.

CROSS REFERENCES

Discharges of pollutants into the navigable waters subject to this section to be regulated pursuant to Federal Water Pollution Control Act except as to effect on navigation and anchorage, see section 1371 of this title.

NEW YORK HARBOR, HARBOR OF HAMPTON ROADS, AND HARBOR OF BALTIMORE

§§ 441 to 451b.

CROSS REFERENCES

Discharges of pollutants into the navigable waters subject to these sections to be regulated pursuant to Federal Water Pollution Control Act except as to effect on navigation and anchorage, see section 1371 of this title.

DAM INSPECTION PROGRAM [NEW]

§ 467. Definition of dam.

The term "dam" as used in sections 467 to 467e of this title means any artificial barrier, including appurtenant works, which impounds or diverts water, and which (1) is twenty-five feet or more in height from the natural bed of the stream or watercourse measured at the downstream toe of the barrier, or from the lowest elevation of the outside limit of the barrier, if it is not across a stream channel or watercourse, to the maximum water storage elevation or (2) has an impounding capacity at maximum water storage elevation of fifty acre-feet or more. Sections 467 to 467e of this title do not apply to any such barrier which is not in excess of six feet in height, regardless of storage capacity or which has a storage capacity at maximum water storage elevation not in excess of fifteen acre-feet, regardless of height. (Pub. L. 92-367, § 1 Aug. 8, 1972, 86 Stat. 506.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 467d, 467e of this title.

§ 467a. Inspection of dams; exceptions.

As soon as practicable, the Secretary of the Army, acting through the Chief of Engineers, shall carry out a national program of inspection of dams for the purpose of protecting human life and property. All dams in the United States shall be inspected by the Secretary except (1) dams under the jurisdiction of the Bureau of Reclamation, the Tennessee Valley Authority, or the International Boundary and Water

Commission, (2) dams which have been constructed pursuant to licenses issued under the authority of the Federal Power Act, (3) dams which have been inspected within the twelve-month period immediately prior to August 8, 1972, by a State agency and which the Governor of such State requests be excluded from inspection, and (4) dams which the Secretary of the Army determines do not pose any threat to human life or property. The Secretary may inspect dams which have been licensed under the Federal Power Act upon request of the Federal Power Commission and dams under the jurisdiction of the International Boundary and Water Commission upon request of such Commission. (Pub. L. 92-367, § 2, Aug. 8, 1972, 86 Stat. 506.)

REFERENCES IN TEXT

Federal Power Act, referred to in text, is classified to chapter 12 of Title 16, Conservation.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 467, 467d, 467e of this title.

§ 467b. Investigation reports to Governors; remedial measures.

As soon as practicable after inspection of a dam, the Secretary shall notify the Governor of the State in which such dam is located the results of such investigation. The Secretary shall immediately notify the Governor of any hazardous conditions found during an inspection. The Secretary shall provide advice to the Governor, upon request, relating to timely remedial measures necessary to mitigate or obviate any hazardous conditions found during an inspection. (Pub. L. 92-367, § 3, Aug. 8, 1972, 86 Stat. 507.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 467, 467d, 467e of this title.

§ 467c. Determination of danger to human life and property.

For the purpose of determining whether a dam (including the waters impounded by such dam) constitutes a danger to human life or property, the Secretary shall take into consideration the possibility that the dam might be endangered by overtopping, seepage, settlement, erosion, sediment, cracking, earth movement, earthquakes, failure of bulkheads, flashboard, gates on conduits, or other conditions which exist or which might occur in any area in the vicinity of the dam. (Pub. L. 92-367, § 4, Aug. 8, 1972, 86 Stat. 507.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 467, 467d, 467e of this title.

§ 467d. Report to Congress.

The Secretary shall report to the Congress on or before July 1, 1974, on his activities under sections 467 to 467e of this title, which report shall include, but not be limited to—

- (1) an inventory of all dams located in the United States;
- (2) a review of each inspection made, the recommendations furnished to the Governor of the State in which such dam is located and infor-

mation as to the implementation of such recommendation;

(3) recommendations for a comprehensive national program for the inspection, and regulation for safety purpose of dams of the Nation, and the respective responsibilities which should be assumed by Federal, State, and local governments and by public and private interests.

(Pub. L. 92-367, § 5, Aug. 8, 1972, 86 Stat. 507.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 467, 467e of this title.

§ 467e. Existing liabilities and obligations unaffected.

Nothing contained in sections 467 to 467e of this title and no action or failure to act under sections 467 to 467e of this title shall be construed (1) to create any liability in the United States or its officers or employees for the recovery of damages caused by such action of failure to act; or (2) to relieve an owner or operator of a dam of the legal duties, obligations, or liabilities incident to the ownership or operation of the dam. (Pub. L. 92-367, § 6, Aug. 8, 1972, 86 Stat. 507.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 467, 467d of this title.

Chapter 11.—BRIDGES OVER NAVIGABLE WATERS

INTERNATIONAL BRIDGES [NEW]

Sec.

- 535. Congressional consent to construction, maintenance, and operation of international bridges; conditions of consent.
- 535a. Congressional consent to State agreements with Canada and Mexico; Secretary of State's approval of agreements.
- 535b. Presidential approval; recommendations of Federal officials.
- 535c. Secretary of Transportation's approval; commencement and completion requirements; extension of time limits.
- 535d. Tolls, collection methods; annual report; audit.
- 535e. Ownership.
 - (a) Sale, assignment, or transfer; Secretary of Transportation's approval.
 - (b) State status of original applicant upon acquisition of right, title, and interest after termination of private entity licenses, contracts, or orders.
- 535f. Applicability of provisions.
- 535g. Federal navigable waters and commerce jurisdiction unaffected.
- 535h. Report of Secretary of Transportation's approval during fiscal year.
- 535i. Reservation of right to alter or repeal.

§ 491. Approval of and deviation from plans.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 535, 535c of this title.

§§ 492 to 498.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in section 535 of this title.

INTERNATIONAL BRIDGES [NEW]

§ 535. Congressional consent to construction, maintenance, and operation of international bridges; conditions of consent.

The consent of Congress is hereby granted to the construction, maintenance, and operation of any